

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST  
VIRGINIA (MARTINSBURG DIVISION)**

**DAVID AND GABRIELLA SCHULTZ,**

**Plaintiffs,**

v.

**Civil Action No. 3:12-CV-15-JPB**

**DAN RYAN BUILDERS, INC., and  
EAGLE EXCAVATING &  
CONTRACTING, LLC,**

**(GROH)**

**Defendants.**

**MOTION TO DISMISS CASE**

Pursuant to this Court's Order of July 3, 2013, Docket No. 37, and inasmuch as all Parties to the above styled action stipulate that they have entered into a Settlement Agreement on all issues in the above styled action, pursuant to F.R.C.P. 41 and LR Civ P 41.01, the Parties request by this Motion that this Honorable Court **DISMISS** this civil action with prejudice and retire it from the docket of this Court.

**DAVID AND GABRIELLA SCHULTZ**  
By Counsel

**KIRK H. BOTTNER, ESQ.  
BOTTNER & SKILLMAN, ATTORNEYS AT LAW**

**BY:** /s/ Kirk H. Bottner  
**Kirk H. Bottner, Esq.**  
Bottner & Skillman  
Post Office Box 344  
Charles Town, West Virginia 25414  
Phone: 304-728-0158  
Facsimile: 304-725-3988

**DAN RYAN BUILDERS, INC.**  
By Counsel

By: /s/ Susan R. Snowden  
Susan R. Snowden, Esquire  
Martin & Seibert, L.C.  
1453 Winchester Avenue  
Martinsburg, West Virginia 25405

**EAGLE EXCAVATING &  
CONTRACTING, LLC**  
By Counsel

By: /s/ Suzanne M. Williams-McAuliffe  
Suzanne M. Williams-McAuliffe, Esquire  
McNeer Highland McMunn & Varner, LC  
275 Aikens Center  
P.O. Box 2509  
Martinsburg, WV 25402